

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 ROBERT PHILPOTT AND PATRICIA
12 ANN MURRY,
13
14 vs.
15 CHARLETTE SNEED, ET AL.,
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs,
Defendant.

CASE NO. 07cv1139 BTM(LSP)
ORDER REMANDING CASE

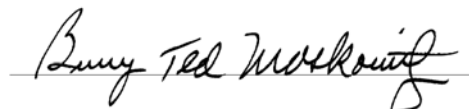
On June 22, 2007, Defendant Charlette Sneed removed this action from the Superior Court of California, County of Los Angeles, pursuant to 28 U.S.C. §§ 1441 and 1446. In an order filed on July 2, 2007, the Court ordered Defendant to show cause why this case should not be remanded. The Court explained that it was unclear whether this action was between citizens of different states, as required by 28 U.S.C. § 1332.

There is a “strong presumption” against removal jurisdiction, and the defendant always has the burden of establishing that removal is proper. Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992). Defendant has not filed any papers in response to the OSC and therefore has not satisfied her burden of establishing that diversity of citizenship is present. The Court notes that Defendant previously removed this same case in February, 2007 (Case No. 07cv0222 L(LSP)). The case was remanded on the ground that diversity of citizenship was lacking.

1 Accordingly, the Court finds that it lacks subject matter jurisdiction over this action and
2 **REMANDS** the case to the Superior Court of California, County of Los Angeles.

3 **IT IS SO ORDERED.**
4

5 DATED: July 30, 2007

6 

7 Honorable Barry Ted Moskowitz
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28